

Message Text

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43

ACTION AF-07

INFO OCT-01 EUR-12 ISO-00 EB-07 COME-00 L-02 SP-02 CIAE-00

INR-05 NSAE-00 RSC-01 SCS-03 SCA-01 SY-04 PRS-01 H-01

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P R 211415Z NOV 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 138

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

C O N F I D E N T I A L NAIROBI 9765

E.O. 11652: GDS

TAGS: BDIS, CPRS, KE, US

SUBJECT: SAUL/MILLER CASE

1. SAUL'S LAWYERS HAVE JUST ADVISED US THAT ATTORNEY GENERAL NJONJO HAS INFORMED THEM OF PRESIDENT KENYATTA'S DECISION TO "NATIONALIZE" SAUL'S MINING CLAIM. ACTION IS TO BE ANNOUNCED PUBLICLY IN NEXT WEEK'S ISSUE OF KENYAN GAZETTE.

2. AS SOON AS NATIONALIZATION GAZETTED, LAWYERS PLAN TO BEGIN DISCUSSING WITH APPROPRIATE GOK OFFICIALS "PROMPT" AND "FULL" TRANSFERABLE COMPENSATION ASSUED BY KENYAN CONSTITUTION IN CASES WHERE PROPERTY HAS BEEN "COMPULSORILY ACQUIRED" BY GOVERNMENT. ACCORDING TO CONSTITUTION, PERSON WHOSE PROPERTY SO TAKEN WILL HAVE ACCESS TO HIGH COURT IN DETERMINING AMOUNT OF COMPENSATION TO WHICH HE IS ENTITLED.

3. WHILE KENYAN OFFER TO SAUL OF JOINT VENTURE WITH GOVERNMENT CORPORATION SUCH AS ICDC MIGHT HAVE DONE LESS DAMAGE TO KENYA'S FOREIGN INVESTMENT IMAGE, WE ARE INCLINED TO THINK DECISION TO NATIONALIZE PREFERABLE TO CONTINUED INACTION INsofar AS EVENTUAL
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SOLUTION TO CASE IS CONCERNED. KEY QUESTION, OF

COURSE, WILL BE WHETHER THIS COURSE OF ACTION DOES
INDEED RESULT IN PROMPT AND JUST COMPENSATION TO
SAUL.
MARSHALL

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Message Attributes

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